

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANGELO NESIMI,

Plaintiff,

v.

DETECTIVE MICHAEL RIVERA, *Shield #5055*,
SERGEANT KENNETH TYSDAL, *Shield #3827*,
DOCTOR RAUVAN AVERICK, NURSE
BRITTON KALYUZNY, DETECTIVE ANDREW
FAGO, *Shield #2171*, and DETECTIVE JOSEPH
RYAN, *Shield #6479*,

Defendants.
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DECISION & ORDER
17-CV-4300 (WFK) (LB)

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ AUG 12 2019 ★
BROOKLYN OFFICE

HON. WILLIAM F. KUNTZ, II United States District Judge:

Plaintiff Angelo Nesimi, proceeding *pro se*, brings this action against defendants Sergeant Kenneth Tysdal, Detectives Michael Rivera, Andrew Fago, and Joseph Ryan ("City Defendants"), as well as Doctor Rauvan Averick and Nurse Brittini Kalyuzny, alleging defendants used excessive force and unlawfully strip-searched him in violation of his constitutional rights. *See* Compl., ECF No. 1. The City Defendants requested this case be dismissed. *See* ECF No. 95. On February 4, 2019, Magistrate Judge Lois Bloom issued a *sua sponte* report recommending the action be dismissed pursuant to Federal Rules of Civil Procedure 37(b) and 37(d). *See* Report and Recommendation dated February 4, 2019 ("R&R"), ECF No. 97. Judge Bloom determined Plaintiff's repeated failures to comply with his discovery obligations and court orders despite the Court's repeated warnings and extensions of time over a six-month period warranted dismissal. This Court granted Plaintiff an extension of time to file objections to March 1, 2019. *See* Order dated February 12, 2019, ECF No. 99. Plaintiff filed objections to the Report and Recommendation in a letter dated February 26, 2019 and

postmarked March 4, 2019. *See* Pl. Objections to the Report and Recommendation of the Mag. Judge dated Feb. 26, 2019 (“Pl.’s Objections”), ECF No. 104. On March 13, 2019, counsel for defendant Rauven Averick, M.D., submitted a letter, jointly with the City Defendants, in support of Magistrate Judge Bloom’s recommendation. *See* ECF No. 105.

The Court reviews a Report and Recommendation for clear error when no objections have been filed. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.). “Where ‘the objecting party makes only conclusory or general objections, or simply reiterates the original arguments, the Court will review the report and recommendation strictly for clear error.’” *Norman v. Metro. Transp. Auth.*, 13–CV–1183, 2014 WL 4628848, at *1 (E.D.N.Y. Sept. 15, 2014) (Matsumoto, J.) (quoting *Zaretsky v. Maxi-Aids, Inc.*, 10-CV-3771, 2012 WL 2345181, at *1 (E.D.N.Y. June 18, 2012) (Feuerstein, J.)). Here, Plaintiff has made only general objections, stating he “ha[s] a Lawyer now who is willing to take ove my case,” and requesting the Court not dismiss the case due to his “ignorance of the law.” *See* Pl. Objections at 1. Moreover, those objections were untimely. Nevertheless, the Court has considered Plaintiff’s objections and finds no clear error here. The Court therefore adopts the Report and Recommendation of Judge Bloom in its entirety. Accordingly, it is hereby ordered this case be dismissed. The Clerk of Court is directed to close this case.

SO ORDERED.

s/ Hon. William F. Kuntz II

HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

Dated: August 12, 2019
Brooklyn, New York